

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 40-41, 43-47, and 53-58 were pending in the application, of which Claims 40 and 53 are independent. Claims 1-39 and 42 have been previously canceled without prejudice or disclaimer, and Claims 48-52 and 59-65 have been previously withdrawn. In the Final Office Action dated July 24, 2003, Claims 40-41, 43-47, and 53-58 were rejected under 35 U.S.C. §103(a). Following this response, Claims 40-41, 43-47, and 53-58 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

I. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Final Office Action dated July 24, 2003, the Examiner rejected Claims 40 and 53 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,802,301 ("*Dan*") in view of U.S. Patent No. 6,324,184 ("*Hou*"). Claims 40 and 53 have been amended, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter. Support for these amendments can at least be found on page 12 of the specification, lines 9-22.

Amended Claim 40 is patentably distinguishable over the cited art in that it recites, for example, computer apparatus for allocating communications bandwidth, comprising a computer having a communications interface for sending information over a communications link, and a program on said computer, to permit said computer to act as a server, said program when running, enabling said computer to reallocate bandwidth assigned to users connected to said server over said communications

interface, the computer reallocating bandwidth in response to a request for data from one of the users over the communications interface wherein the reallocating is based on a data type associated with data requested in the request for data.

Similarly, amended Claim 53 is patentably distinguishable over the cited art in that it recites, for example, a method for allocating communications bandwidth across a communications interface of a computer, comprising the steps of providing information to a plurality of users connected to said computer across said communications interface, receiving a request for data from one of the plurality of users over the communications interface, and reallocating bandwidth assigned to the plurality of users based on the request, the request indicating a data type associated with data requested in the request for data.

In contrast, *Dan* at least does not teach or suggest wherein the reallocating is based on a data type associated with data requested in the request for data. For example, *Dan* discloses that bandwidth is reallocated among disks and not reallocated based on a data type associated with data requested in the request for data from one of the users. (See col. 4, lines 58-61.) Furthermore, *Hou* does not overcome *Dan*'s deficiencies. *Hou* merely discloses allocating according to a user hierarchy. (See col. 11, lines 11-12.) Like *Dan*, *Hou* at least does not teach or suggest wherein the reallocating is based on a data type associated with data requested in the request for data.

Combining *Dan* with *Hou* would not have led to the claimed invention because *Dan* and *Hou*, either individually or in combination, at least do not disclose or suggest wherein the reallocating is based on a data type associated with data requested in the

request for data, as recited by amended Claim 40. Amended Claim 53 includes a similar recitation. Accordingly, independent Claims 40 and 53 patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 40 and 53.

Dependent Claims 41, 43-47, and 54-58 are also allowable at least for the reasons above regarding independent Claims 40 and 53, and by virtue of their respective dependencies upon independent Claims 40 and 53. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 41, 43-47, and 54-58.

## II. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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